

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Paul D. Rue, D.D.S.
License No. D7243

**STIPULATION AND ORDER FOR
CONDITIONAL LICENSE**

IT IS HEREBY STIPULATED AND AGREED, by and between Paul D. Rue, D.D.S. ("Respondent"), and the Complaint Committee ("Committee") of the Minnesota Board of Dentistry ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice dentistry in the State of Minnesota.
2. Through this stipulation, Respondent has been advised that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived representation. The Committee was represented by Daphne A. Lundstrom, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 757-1391.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true: On December 10, 2010, Respondent entered into a Stipulation and Consent Order ("2010 Georgia Order") with the Georgia Dental Board. The 2010 Georgia Order placed Respondent's license on probation for four years and placed a limitation and conditions on Respondent's license to practice dentistry in the State of Georgia.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 150A.08, subd. 1(9) and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order as follows:

- a. Respondent is **REPRIMANDED**.
- b. Respondent shall comply with all terms and conditions imposed on his Georgia license to practice dentistry. The terms and conditions of the 2010 Georgia Order (see Exhibit A) are herewith incorporated by reference into this Stipulation and Order.

6. Respondent may petition for reinstatement of an unconditional license in Minnesota after submitting sufficient evidence to the Board that he has satisfied the terms and conditions of his 2010 Georgia Order, or submitting a copy of his Georgia Order of Unconditional License or its equivalent.

7. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of the addresses and telephone numbers of Respondent's residences. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Marshall Shragg, Executive Director,

Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414-3246.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

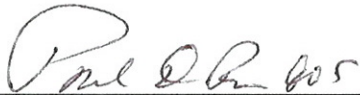
At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

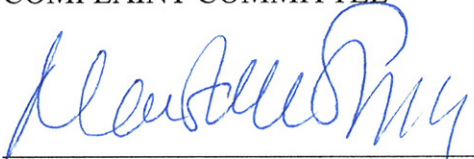
LICENSEE



PAUL D. RUE, D.D.S.

Dated: 4/6, 2011

COMPLAINT COMMITTEE

By: 

MARSHALL SHRAGG, MPH
Executive Director

Dated: APRIL 12TH, 2011

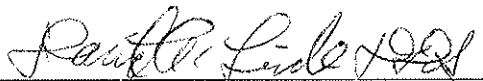
ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records, and proceedings herein,

The terms of the Stipulation are approved and adopted, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 17th day of June, 2011.

MINNESOTA BOARD
OF DENTISTRY

By:



DAVID LINDE, D.D.S.
President

BEFORE THE GEORGIA BOARD OF DENTISTRY

IN THE MATTER OF:)

PAUL D. RUE, D.D.S.)
Georgia License # DN007924)

Respondent.)

DOCKET NO.:

PROFESSIONAL LICENSING BOARD

DEC 14 2010

DOCKET NUMBER

2010-3039

CONSENT ORDER

By agreement of the Georgia State Board of Dentistry (hereinafter referred to as "Board"), and Paul D. Rue, D.D.S. (hereinafter referred to as "Respondent"), the following disposition of this matter is entered pursuant to the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13, as amended. In conjunction therewith, the Board hereby enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1.

Respondent is licensed to practice dentistry in the state of Georgia, and was so licensed at all times relevant to the matters stated herein.

2.

First Complaint: On or about August 24, 2005, Respondent provided dental treatment to Patient K.B. Respondent's treatment included attempted root canal treatment of tooth #17. During this root canal treatment, Respondent fractured files and left these files in the canals.

3.

On or about August 25, 2006, Patient J.V. was referred by a subsequent treating dentist to an endodontist for retreatment of tooth #17. Said endodontist found fractured files in the canals.

4.

Respondent's diagnosis, treatment and recordkeeping with respect to the treatment of Patient J.V. fell below the minimum standards of acceptable and prevailing dental practices in the following manner:

- (a) Respondent under-filled the canals of tooth #17;
- (b) Respondent failed to inform Patient J.V. of the fractured files;
- (c) Respondent failed to refer Patient J.V. to an endodontist ; and
- (d) Respondent's recordkeeping is inadequate. Respondent failed to document in patient's records the fractured files, under-filled canals, the amount and type of anesthesia used, and the final fill lengths.

5.

Second Complaint: On or about April 9, 2007, Respondent started root canal treatment of Patient S.B.'s tooth #30. On or about June 11, 2007, Patient S.B. returned to Respondent for completion of the root canal treatment of tooth #30.

6.

On or about June 5, 2009, Patient S.B. was referred by a subsequent treating dentist to an endodontist for retreatment of tooth #30. Said endodontist found Patient S.B.'s mesial canals were not negotiated to length with strip perforations in one or both mesial canals.

7.

Respondent's diagnosis, treatment and recordkeeping with respect to the treatment of the Patient S.B. fell below the minimum standards of acceptable and prevailing dental practices in the following manner:

- (a) Respondent under-filled the mesial canals of tooth #30;

- (b) Respondent failed to inform Patient S.B. of the under-filled canals and the strip perforation;
- (c) Respondent failed to refer Patient S.B. to an endodontist; and
- (d) Respondent's recordkeeping is inadequate. Respondent failed to document in patient's records the amount and type of anesthesia used, the final fill lengths, and the under-filled canals.

8.

Respondent admits to the above-styled findings of fact and waives any further findings of fact not already contained in this Order.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon Respondent's license to practice dentistry in the State of Georgia under O.C.G.A. Title 43, Chapter 11 and § 43-1-19.

ORDER

The Board, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees, that this matter shall be disposed of as follows:

1.

Respondent's license shall be placed on probation for a period of four (4) years effective upon the date this Order is docketed until discharged in accordance with paragraph two of this Consent Order. The terms and conditions of probation are as follows:

- (a) **Respondent shall not engage in performing any endodontic treatment while his license is on probation. If Respondent shall fail to comply with the terms of this paragraph, Respondent's license shall be subject to further discipline, including revocation, upon**

substantiation thereof.

(b) Respondent shall attend and complete eight (8) hours of continuing education course work to be taken in the area of risk management. Respondent shall obtain these hours through Dr. Richard Callan and the Medical College of Georgia. Respondent shall promptly contact Dr. Callan to plan the required course(s). Respondent shall attend the course(s) and shall provide adequate documentation to the Board of such attendance within thirty (30) days of successful completion of said course work. Respondent agrees that Dr. Callan may provide the Board with information concerning the course(s), including the Respondent's attendance and completion. These additional hours of course work shall be successfully completed within one (1) year of the effective date of this Consent Order and *shall be in addition to the continuing education requirements mandated by law pursuant to O.C.G.A. § 43-11-46.1(a)*. If Respondent shall fail to comply with the terms of this paragraph, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof.

(c) Respondent shall attend and complete the course on Law, Ethics, and Professionalism (L.E.A.P.) offered by the Georgia Dental Association (or other similar course approved in writing by the Board) within one (1) year of the effective date of this Consent Agreement. Within thirty (30) days after the completion of the course, Applicant shall provide documentation to the Board indicating his successful completion of said coursework. These additional hours of course work *shall be in addition to the continuing education requirements mandated by law pursuant to O.C.G.A. § 43-11-46.1(a)*. If Respondent shall fail to comply with the terms of this paragraph, Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof.

(d) Respondent shall pay a fine of three thousand dollars (\$3,000.00) payable by

certified check or money order to the Board within ninety (90) days of the effective date of this

Order. Such fine shall be sent to the Georgia Board of Dentistry, 237 Coliseum Drive, Macon, Georgia 31217-3835. Failure to pay said fine pursuant to the terms of this paragraph shall be deemed a violation of this Order and may subject Respondent's license to further discipline.

(e) Within ninety (90) days of the effective date of this Order, Respondent shall refund to Patient J.V. and Patient S.B. the amount of all monies paid by said patients for Respondent's endodontic treatment of teeth #17 and #30 respectively. Respondent shall provide proof to the Board that Respondent has refunded said amount of monies to Patient J.V. and Patient S.B. within the ninety (90) day period. Failure to submit such proof of payment of refund to the Board within the allotted time shall be deemed a violation of this Order and may subject Respondent's license to further discipline.

(f) In the event Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia will not apply to the reduction of Respondent's probationary period unless authorized by the Board. Respondent shall advise the Board of any change in his residence and/or office address within ten (10) days.

(g) If Respondent shall fail to abide by all State and Federal laws relating to drugs and regulating the practice of dentistry, the Rules and Regulations of the Georgia Board of Dentistry, or the terms of this Consent Order and probation, Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-

18(c)(1), or any other statute authorizing such emergency action.

2.

Within sixty (60) days from the scheduled date of termination of probation,

Respondent may petition for termination of probation by certifying under oath before a notary public that Respondent has complied with all conditions of probation. Respondent acknowledges that to ensure that the Board terminates the probationary status of Respondent's license; Respondent must petition the Board for such termination. That is, Respondent's failure to petition the Board for termination of the probationary status of Respondent's license may result in the probationary status continuing indefinitely. The Board shall be authorized to review and evaluate the practice of Respondent prior to lifting the probationary status of Respondent's license. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of Respondent, unless it extends, maintains, or imposes such restrictions or conditions as the Board deems appropriate, based upon the information presented to it pursuant to this Consent Order or otherwise available to the Board. The Board shall notify Respondent of its intent to extend, maintain or impose such restrictions or conditions beyond the designated probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. This Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

3.

This Consent Order shall constitute a public reprimand which may be disseminated as a disciplinary action by the Board.

4.

Approval of this Consent Order by the Board shall in no way be construed as condoning Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

5.

Respondent acknowledges that he has read this Consent Order and understands its contents. Respondent understands that he has a right to a hearing in this matter and freely, knowingly and voluntarily waives that right by signing this Consent Order. Respondent understands that this Consent Order will not become effective until accepted by the Georgia Board of Dentistry and docketed by the Division Director of the Professional Licensing Boards. Respondent further understands and agrees that a representative of the Legal Services Section of the Professional Licensing Boards Division may be present during the presentation of the Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent understands that this Consent Order, once accepted and docketed, shall constitute a public record, which may be disseminated as a disciplinary action by the Board. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

SIGNATURES ON FOLLOWING PAGE

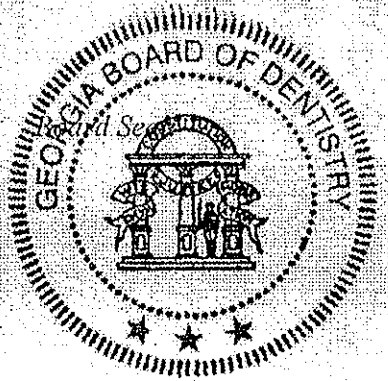
Approved by the Board this 10th day of December, 2010.

GEORGIA BOARD OF DENTISTRY

BY:

E. Carlon

EMMA REBECCA CARLON, D.D.S.
Board President



ATTEST:

R. D. Vaughn

RANDALL D. VAUGHN
Division Director
Professional Licensing Boards Division

CONSENTED TO:

Paul D. Rue, D.D.S.

PAUL D. RUE, D.D.S.
Respondent

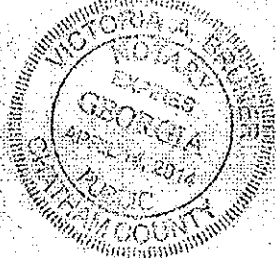
As to Paul D. Rue, D.D.S.:

Sworn to and subscribed before me
this 10th day of November, 2010.

Victoria A. Bruner

NOTARY PUBLIC

My commission expires



Prepared by:
Julie A. Fisher
Senior Staff Attorney
Office of the Secretary of State
Professional Licensing Boards Division
237 Coliseum Section
Macon, Georgia 31217-3858